

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**BILLY TYLER,**

**Plaintiff,**

**V.**

**JOHN DOE, Unknown, and OMAHA  
POLICE OFFICERS,**

**Defendants.**

**CASE NO. 8:09CV184**

# MEMORANDUM AND ORDER

This matter is before the court on its own motion. On August 12, 2009, the court conducted an initial review of Plaintiff's Complaint and found that it failed to state a claim upon which relief may be granted. (Filing No. [7.](#)) The court permitted Plaintiff the opportunity to amend his Complaint "in order to allege facts sufficient to establish an illegal search and seizure claim against Defendants" and "to allege sufficient facts to show the requisite discriminatory effect and purpose to establish an equal protection claim." (*Id.* at CM/ECF pp. 4-5.)

Plaintiff thereafter submitted an Amended Complaint (Filing No. 8) and a Second Amended Complaint (Filing No. 12). Pursuant to NECivR 15.1(b), the court considers the Second Amended Complaint as superseding all previous Complaints and considers only the allegations contained therein. The court has carefully reviewed the Second Amended Complaint and finds that it merely restates the allegations of the original Complaint. In addition, Plaintiff has included numerous pages of indecipherable allegations relating to Defendants being members of the “KKK,” the “diaspora of holocaust of slavery,” and

conditions in the North side of the City of Omaha, Nebraska.<sup>1</sup> (Filing No. [12](#).) In short, the Second Amended Complaint does not cure any of the pleading deficiencies set forth by the court in its August 12, 2009, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because the Second Amended Complaint fails to state a claim upon which relief may be granted;
2. A separate judgment will be entered in accordance with this Memorandum and Order and the court's August 12, 2009, Memorandum and Order;
3. Plaintiff's Motion for Leave to File Second Amended Complaint (Filing No. [12](#)) is granted. The Clerk of the court is directed to file the Second Amended Complaint, attached to Filing No. 12) as a separate document in this matter; and
4. All other pending motions are denied.

DATED this 5<sup>th</sup> day of February, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

---

<sup>1</sup>As an example of the indecipherable allegations which do nothing to advance Plaintiff's claims, Plaintiff refers to Defendants as part of the "squadrons of white KKK-Ku Klux Klan irish, wop, pole, spic, British English Boer WASP racist right wing aryan gauntlet we Nigger disapora must run daily." (Filing No. [12](#) at CM/ECF pp. 10-11 (capitalization as in original).)

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.